REMARKS

Applicant respectfully requests reconsideration. Claims 1, 2, 4, 5, 8-13, 15-19, 21-26, 28-30, 32, 34-39, 41, 42 and 44-49 were pending in this application. Claim 4 has been canceled without prejudice or disclaimer. Claims 1, 5, 15 and 28 have been amended. Applicant reserves the right to pursue the subject matter of the originally filed claims in one or more continuing applications. Claims 1, 2, 5, 8-13, 15-19, 21-26, 28-30, 32, 34-39, 41, 42 and 44-49 are currently under examination.

No new matter has been added.

Rejections under 35 U.S.C. §103

The Examiner has rejected claims 1-5, 8-14, 28-32, 34-40 and 45-47, including independent claims 1, 15 and 28, under 35 U.S.C. §103(a) based on Melpignano et al. (US PUB 2006/0084417) and Shi (US Patent No. 6,807,163). Applicants respectfully disagree to the extent that the rejection is maintained over the claim as amended.

Independent Claim 1

Claim 1 has been amended to recite "a plurality of media specific modules configured to acquire network interface information pertaining to network interfaces associated with particular media types, and to receive network interface configuration commands, from the rules engine, to connect to one of the set of networks, each of the media specific modules configured to acquire network interface information from media specific drivers associated with particular interfaces." Support for the amendments to claim 1 can be found throughout the application as filed, including in claims 4 and 5.

Claim 1 now clearly distinguishes over Melpignano and Shi. As understood, the Office Action asserts that multiple elements of claim 1 are met by the items shown in FIG. 3 of Melpignano. As understood, the Office Action equates a media specific module interface with the Network Interface Class of FIG. 3 (Office Action, page 6) and that the normalization module is met by the elements designated as IfPriority and IfStatus (Office Action, page 3). Applicants disagree with this interpretation of the reference. The Network Interface Class of FIG. 3 is a high level

representation of the actual network interface card [0050]. As understood, the elements referenced in the Office Action as "IfPriority" and "IfStatus" are properties representative of the network interface card [0050]. These elements are tied to a single network interface and do not span multiple media. Moreover, it is not proper to interpret a property of a network interface card to be a normalization module. Therefore, for at least this reason, the rejection should be withdrawn.

Additionally, claim 1 has been amended to include limitations from claim 4 and 5 as previously pending. In rejecting claim 4, the Office Action seems to assert that the media specific modules also read on the properties of the network interface card described in Melpignano. There are at least two reasons that this interpretation cannot be a basis for a rejection.

First, it is not proper to equate a property of a network interface card with a media specific module. Second, even if the properties could be interpreted to be a media specific module as proposed by the Office Action, there is nothing about the identified properties that meets the limitation that meets the requirement that: "each of the media specific modules configured to acquire network interface information from media specific drivers associated with particular interfaces," as claimed. Accordingly, there are multiple reasons that the rejection of claim 1 should be withdrawn.

Independent Claim 15

Claim 15 has been amended to recite: "a programming interface coupled to a user interface, the programming interface configured to provide commands for the multiple communication media in a common format based on user input through the user interface." Support for this amendment may be found throughout the application as filed, including at [0038] and [0056] of the published application.

Melpignano describes no such interface. To the contrary, Melpignano teaches that an end user accesses different network interfaces without explicit manual intervention (see, Abstract). Accordingly, Melpignano teaches away from accessing network selection criteria such that Melpignano, whether alone or in combination with other references, does not meet at least this limitation of claim 15. Accordingly, the rejection should be withdrawn.

Independent Claim 28

Claim 28 is rejected based on Melpignano and Nguyen.

Claim 28 has been amended and now recites: "accumulating network interface information comprising status and capability information for each of multiple communication media associated with a set of networks and a set of network interfaces, each network interface for connecting the computing system to a network in the set of networks, the accumulating facilitated by a normalization module that provides an interface that standardizes communication between a rules engine and a set of media specific modules, each media specific module being associated with a distinct type of communication media driver."

As understood, the Office Action asserts that this limitation is met by Nguyen. Applicants respectfully disagree that Nguyen teaches a normalization module meeting all limitations of claim 28. Rather, Nguyen describes a network fault monitoring module for tracking the status of network interface cards (NICs) connected to a network (Abstract). Specifically, Nguyen's network fault monitoring module queries the link status of the network interface and stores the response (either UP or DOWN) in a status database (¶ 33). Nguyen's network fault monitoring module does not "accumulate capability information for each of multiple communication media," as claimed. Moreover, Nguyen's network fault monitoring module does not provide "an interface that standardizes communication between a rules engine and a set of media specific modules," as recited in claim 28, and there is no mention in Nguyen that the network fault monitoring module "standardizes [this] communication." Nguyen simply does not disclose or suggest "a normalization module that standardizes communication between a set of media specific modules associated with multiple distinct types of communication media drivers and a rules engine."

Accordingly, even if Melpignano and Nguyen were combined, the combination would not meet all limitations of claim.

The Examiner has rejected claims 15-19, 21-27 and 41-42, including independent claim 15, under 35 U.S.C. §103(a) based on Melpignano et al. (US PUB 2006/0084417) Babbar et al. (US PUB 2004/0116140) and Shi (US Patent 6,807,163).

For reasons described above, Melpignano does not teach the limitations of claim 15 that it is asserted to teach. Even if combined with Babbar and Shi, the combination would not meet all limitations of the claim and the rejection should be withdrawn.

General Comments on Dependent Claims

Each of the dependent claims depends from a base claim that is believed to be in condition for allowance, and Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. M1103.70193US00 from which the undersigned is authorized to draw.

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Respectfully submitted,

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